Climate Change

This suite of Climate Change policies aim to ensure a radical reduction in greenhouse gas emissions, take a positive approach towards renewable and low carbon energy generation and set out the approach to flood risk and sustainable drainage.

Climate Change

Policy CC1 - Sustainable Design

This policy is to ensure a radical reduction in greenhouse gas emissions, as required by national planning policy and legislation, and to support the Council's ambition of a net zero carbon district. The preferred policy reads

Policy CC1 - Sustainable Design

1. All developments must be designed to reduce both the extent (mitigation) and impacts (adaptation) of climate change. The Council will work with developers through the pre-application process to ensure zero-carbon development achieving high environmental standards where technically feasible and financially viable.

Climate Change Mitigation

2. All developments are required to make the maximum possible carbon savings in accordance with the sequence of priorities set out in the energy hierarchy
    a. Energy saving, then
    b. Energy efficiency, then
    c. Renewable energy, then
    d. Low carbon energy, then
    e. Conventional energy
3. New Development
    a. All new residential development will be expected as a minimum to exceed the energy efficiency standards currently prevailing through Part L of Building Regulations or any successor by achieving an additional 19% reduction in the Dwelling Emission Rate compared to the Target Emission Rate; or achieve the prevailing Future Homes Standard or equivalent successor where this requires a reduction of carbon emissions greater than 19% from the current Target Emission Rate in Part L of Building Regulations.
    b. All new non-residential development of 100sqm gross external floorspace or more will be required to meet BREEAM excellent or equivalent where feasible and viable.
    c. All new residential development of ten dwellings or more and non-residential development of 1000m2 gross external floorspace will be expected to submit an energy statement that demonstrates how the energy hierarchy has been applied and how the other requirements in this policy can be met to make the fullest contribution to reducing greenhouse gas emissions in line with the Council's overall ambitions to be a net zero carbon district. Any carbon savings that may be achieved through coordination and linking of infrastructure with neighbouring sites must be identified and the solutions integrated into submitted proposals.

d. A BREEAM Communities Assessment or equivalent must be undertaken on the Proposed Harley Hill Strategic Development Site and achieve a minimum scoring of excellent.

e. All new development of ten dwellings or more and non-residential development with a gross external floorspace of 1000m2 which is well-related to the Masterplan area for Catterick Garrison will be required to demonstrate that reasonable endeavours will be undertaken to actively contribute towards the development of a district heating network including
   - Establishing a new network onsite
   - Connecting to existing networks if/where available
   - Designing development to enable future connection.

f. All new development should make efficient use of water with all new residential development required to achieve the optional building regulation (Part G) requirement of a water consumption rate of 110 litres per person per day. All non-residential development should where relevant meet BREEAM very good standard specifically relating to water efficiency.

4. Existing Dwellings

   a. Planning applications for material changes to existing dwellings such as extensions will be expected to demonstrate, where possible and practical, reasonable improvements to the energy performance of the existing dwelling. This will be in addition to the requirements under Part L of the Building Regulations.

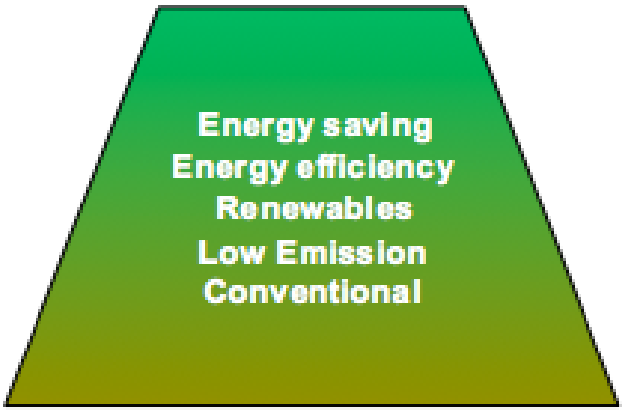
Justification

Climate change is now widely recognised as one of the most important issues internationally, nationally and locally. In light of this, measures have been put in place to address global warming by reducing carbon and other greenhouse gas emissions. Nationally the Climate Change Act, originally enacted in 2008, has recently been amended and the current UK position following a motion passed by Government in May 2019 is that a climate emergency has been declared and a new emissions target set of net zero greenhouse gas emissions by 2050. This was made a statutory target in June 2019 through the Climate Change Act (2050 Target Amendment) Order 2019.

Richmondshire District Council declared a climate and ecological emergency in July 2019 which sets out that the Council will support and work with all other relevant agencies towards achieving net zero carbon emissions (production and consumption) for the whole of Richmondshire. The Council Plan 2019-2023 makes climate change an overarching priority across all Council activities and service areas and commits the Council to producing a Climate Change Action Plan.

Development across the Plan Area will add to energy demands and could have wider environmental consequences. Sustainable development and high environmental performance is a priority for Richmondshire as it seeks to be a net zero-carbon District and to contribute towards the government's national target by 2050. However, there is a more ambitious target set by the Local Enterprise Partnership for North Yorkshire to be carbon neutral by 2034 and carbon negative by 2040.

This preferred policy seeks to ensure that new development takes a holistic approach to reducing greenhouse gas emissions. The policy requires developments to approach climate change mitigation by considering actions that would reduce emissions in a sequence that reflects the energy hierarchy. The energy hierarchy is a concept that was developed in the late 1990s and is used to identify the order in which energy issues should be prioritised to maximise progress towards a more sustainable energy system.



The first priority is to reduce energy consumption by seeking to reduce the amount of energy required, for example, through 'smart' heating and lighting, behavioural changes, and the incorporation of passive design measures. Passive design measures can reduce the need for heating, cooling and ventilation systems and minimise reliance on artificial lighting. This can be achieved through design solutions, such as siting, layout, landscaping, and building orientation and massing, in order to maximise sunlight and daylight and avoid overshadowing. Nevertheless, in some circumstances passive design may not always be possible, for example, because of site-specific constraints or when designing conversions or extensions.

After seeking to reduce the amount of energy required, consideration for reducing energy consumption should move to energy efficiency. Depending on the nature of development, energy efficiency can be improved through the use of more efficient systems and machinery, more efficient appliances and lighting, and better insulation.

In addition to contributing to climate change mitigation, reducing energy consumption in domestic properties will also contribute to reducing the incidence of fuel poverty. For many years the District's average domestic gas and electricity consumptions have both been above the regional and national averages, and in 2018 it was estimated that 10% of households were in fuel poverty (DBEIS, 2020). While this is broadly similar to the national average, it still means that just over 2000 households are affected. Fuel poverty affects the most vulnerable residents in our community and can have adverse impacts on their health and wellbeing. It also contributes to wider economic under performance by reducing the amount of money that affected households have available to spend in the local economy.

National policy is clear that new development should help to reduce greenhouse gas emissions including through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's national technical standards, though a Written Ministerial Statement in March 2015 confirmed that local authorities can continue to set energy performance standards higher than building regulations, up to the equivalent of Code for Sustainable Homes Level 4 'until commencement of amendments to the Planning and Energy Act 2008'. The powers to amend the 2008 Act have not been enacted yet.

The Council, taking account of the fact that around a quarter of the annual carbon emissions in the District (BEIS, 2017) are estimated to be from domestic properties, is therefore proposing that new development must as a minimum exceed the energy efficiency standards currently prevailing through Part L of Building Regulations (2013 edition) by achieving a 19% reduction in the Dwelling Emission Rate compared to the Target Emission Rate. The Richmondshire Whole Plan Viability Assessment (2020) demonstrates that development will remain viable while incorporating cost uplifts associated with the higher standards.

The government has recently consulted on a new Future Homes Standard, which is expected to have a phased start in 2025, with increased energy efficiency and carbon saving measures. If these exceed the 19% above the Target Emission rate in current Building Regulations (2013 edition) then the Council would expect these measures to be achieved upon their implementation.

The Council also supports the use of independently accredited standards such as the Passive House Standard and the Home Quality Mark for new housing which go above and beyond the minimum requirements in energy efficiency and carbon savings set out above. These standards help house builders to demonstrate the high quality of their homes and differentiate them in the marketplace. At the same time they give householders the confidence that the new homes they are choosing to buy or rent are well-designed and built, and cost effective to run. The Passive House Institute's 'Passive House Standard' is a rigorous standard for energy efficiency in a building that results in ultra-low energy buildings that require little energy for space heating or cooling.

Given its age, nature and often remote location a significant amount of the existing housing stock in Richmondshire is among the least energy efficient and performs poorly in relation to the Energy Performance Certificate (EPC) Rating. EPC rating data remains limited with only around half of the total dwelling stock included. However this does indicate that around 33% of properties are in the least energy efficient ratings (E-G) with a further 37% in rating D and only 30% in the most energy efficient ratings (A-C). Therefore when applications are received for material alterations to existing properties the Council will seek to encourage improvements when this work is undertaken and applicants will be expected to demonstrate, where possible and practical, reasonable improvements to the energy performance of the existing dwelling. This will be in addition to the requirements under Part L of the Building Regulations for the changes for which planning permission is sought.

Industrial and commercial facilities also contribute significantly to the district's carbon emissions, making up around a quarter in 2017 estimates. Non-domestic development was not affected by the housing standards review and planning authorities are still enabled to require energy performance that is better than building regulations standards for new non-domestic buildings. BREEAM is an independently accredited method for assessing and rating the environmental performance of non-domestic development. A scoring system is used to evaluate a building's sustainability, including aspects related to energy and water use, the internal environment (health and wellbeing), pollution, transport, materials, waste, ecology and management processes.

The Council will require new non-domestic development over 100sqm to be assessed against the BREEAM standard and achieve, at a minimum, the level of 'Excellent'. The Council will require this to be verified by an independent assessor at the design and post construction stages at the applicant or developer's cost and to provide the relevant certification to ensure compliance. Where an applicant can demonstrate that achieving a level of 'Excellent' is unviable, through the submission of a transparent viability assessment, a lower level may be accepted. Unheated buildings, will be excluded from the requirement to achieve BREEAM 'Excellent' but should still meet the other relevant requirements of the policy.

After reducing energy consumption the energy hierarchy identifies the sustainable production of energy. Energy from renewable sources is the highest priority followed by other low carbon sources. The council encourages proposals that incorporate renewable and/or low carbon energy generation into the design of new domestic and non-domestic development and that meet the requirements of Policy CC3 (Renewable and Low Carbon Energy). The Council will also have regard to any other potential environmental impacts arising from proposed measures, particularly when assessing measures impacting upon historic and environmental assets, for example listed buildings.

Larger scale developments can often utilise economies of scale to deliver greater carbon savings. As such, developments over ten dwellings or 1000m2 gross internal floorspace will be expected to submit an Energy Statement demonstrating how the policy requirements will be met and examining opportunities for achieving greater carbon savings.

The Catterick Garrison Masterplan Area has been identified as having the greatest potential for establishing a district heating network and/or a combined heat and power network. There is a particular opportunity offered through the significant expansion of military facilities in the area to create a network which may also supply existing buildings and facilities within the military estate. This will also assist the MoD to achieve its ambitions for a carbon neutral garrison. For residential and non-residential developments including military development proposed in these areas, developers will be required to investigate the potential to deliver and/or actively contribute towards or connect to the network, and to implement these plans unless it can be shown to be technically or financially unviable. The Council will work with the MoD to coordinate delivery of a network in this area and will facilitate the involvement of Energy Service Companies (ESCo) where suitable. Preference will be given to schemes that also capitalise on using biomass as a fuel source.

What you have told us?

National Planning Policy Framework

The National Planning Policy Framework NPPF (2019) makes clear that 'the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure' (paragraph 148).

Paragraph 150 of the NPPF states that 'New development should be planned for in ways that

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure, and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

Paragraph 151 of the NPPF states that 'To help increase the use and supply of renewable and low carbon energy and heat, plans should

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers'.

Paragraph 153 of the NPPF states that 'in determining planning applications, local planning authorities should expect new development to

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable, and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'.

The NPPF (paragraph 154) also sets out 'when determining planning applications for renewable and low carbon development, local planning authorities should

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'.

Footnote 49 clarifies that 'except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing'.

Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

Alternatives Considered

No Policy on Sustainable Design

An alternative option would be to have no Local Plan policy on Sustainable Design and rely on national policy. This is not considered an appropriate option as only relying on national policy does not allow for a locally tailored approach to be set with regards to sustainable design. It is considered that the preferred policy is consistent with national policy and sets out specific and locally tailored requirements for proposals to meet in relation to climate change adaptation and mitigation design. For these reasons, this option of having no policy has been discounted.

A policy which requires carbon and water efficiency savings consistent with Building Regulations but with no requirements for reasonable endeavours on extensions

An alternative option would be to just rely on carbon savings required from new residential development by Part L of Building Regulations until new government standards such as the Future Homes Standard is implemented. However it is clear that in order to achieve the radical reduction in carbon emissions required by National Planning Policy and the Climate Change Act (2008) it is necessary to implement the most ambitious standards available providing these can be viably accommodated by development. The Richmondshire Whole Plan Viability Assessment (2020) illustrates that it is economically viable for development in the Plan Area to accommodate these additional standards.

In addition, Richmondshire's annual average carbon emissions of 7.6 tonne per capita (2017) are over and above regional and national averages and if the Council is to achieve its own aim for a zero carbon district, ambitious but achievable and viable measures such as this, are essential.

In terms of water efficiency Yorkshire Water sets out the challenges it faces in the future for water supply in its Water Resource Management Plans (WRMP). Although the WRMP identifies Yorkshire Water as having one of the most resilient water resource systems in the country, it nonetheless faces some significant challenges. The population Yorkshire Water serves is projected to increase by one million by 2040 (from 2016) and there is a projected loss of supply of 100 million litres per day by 2045 due to climate change. The WRMP points to a potential deficit between the amount of water available and the demand for water by the mid-2030s which is the end point of this Local Plan. It has therefore been concluded that to prepare for this potential shortfall where opportunities to address these issues are available they should be taken. Another particularly important element to this is that these higher standards can be achieved with very little or even any extra cost involved.

Furthermore, this option would be to not require applicants to demonstrate and undertake energy efficiency improvements to existing dwellings when seeking permission for material changes such as an extension. However, the Richmondshire Local Plan Renewable and Low Carbon Energy Study (2012) highlighted that the energy demands and associated carbon emissions from existing residential development are significantly higher than the regional and national picture. This coupled with the propensity for larger, older and more exposed properties associated with the more rural nature of the Richmondshire Plan Area, suggests poor energy performance and poor fabric efficiency. This situation remains, with no significant action taken since this study was produced, and it is therefore clear that energy demands and subsequently carbon emissions from the existing residential building stock will continue to far outweigh that of new residential development. As such, in order to achieve the Council's zero carbon District ambition and the government's zero carbon ambition by 2050, a focus must be placed on retrofitting existing residential properties where feasible and practical to make them more energy efficient. For these reasons, this option has therefore been discounted.

A policy which requires all development to be zero carbon and to maximise water efficiency

Another option would be to adopt a Local Plan policy which requires all development to be zero carbon and to maximise water efficiency. This is not considered an appropriate option as, even though it would have a significantly positive effect on tackling climate change, it would place an undue burden on development proposals, likely making them unviable and not affordable by requiring them to implement measures to achieve zero carbon emissions. The Richmondshire Whole Plan Viability Assessment (2020) illustrates that it is economically viable for development in the Plan Area to accommodate the standards as set out in the preferred policy. It is considered that these standards, as set out in the preferred policy, achieve this balance of tackling climate change as well as ensuring requirements are economically viable for developments in the Plan Area. For these reasons, this option has been discounted.

QUESTIONS

Do you agree to preferred policy CC1 - Sustainable Design?

If not, do you agree with the general approach to policy CC1 but have any suggested changes?

Please provide any further comments.

Policy CC2 - Flood Risk and Sustainable Drainage

This policy sets out the Council's preferred approach to flood risk and how it will avoid inappropriate development in areas at risk of flooding. It also sets out the Council's preferred approach to drainage to ensure it is sustainable and does not contribute towards flood risk. The preferred policy reads

Policy CC2 - Flood Risk and Sustainable Drainage

1. To avoid and alleviate flood risk to people and property, development will only be permitted where it has been demonstrated that
    a. It has been directed to the areas at lowest risk of flooding of any form, wherever possible, by applying the sequential test and, where necessary, the exception test in line with national policy. Development will only be permitted in flood zone 3b (functional floodplain) in exceptional circumstances where it is water compatible or it is essential infrastructure which has satisfied the exception test. Development in floodzones 2 and 3a will be required to satisfy the sequential test and exceptions test.
    b. The development site is not safeguarded, required or likely to be required for current or future flood management.
    c. The development includes measures to reduce overall flood risk and the causes and impacts of flooding, particularly through the use of natural flood management techniques.
    d. The current and future impacts of climate change have been taken into account. Where relevant and possible, the opportunity has also been taken to relocate existing development (for example housing) vulnerable to flooding and not sustainable in the long-term to a more sustainable location.
    e. Flood risk is not increased on-site or elsewhere and development is safe from flooding for its lifetime.
    f. Where required by national policy, a Flood Risk Assessment has been undertaken which illustrates that
        i. The sequential approach has been taken on the site to ensure that the most vulnerable development is located in the areas of lowest risk of flooding unless there are overriding reasons not to do so
        ii. The development is flood resistant and resilient, any residual risk can be managed and overall risk is reduced
        iii. Sustainable drainage systems have been incorporated unless it can be clearly demonstrated that they are inappropriate, and
        iv. An emergency plan is in place identifying safe access and egress to an area of refuge. Any reliance on emergency services to make a proposal safe will not be acceptable.
    g. The integrity of existing flood defences is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council.

2. Regarding surface water and drainage, development will be permitted which
    a. Ensures there is no net increase in surface water run off for the lifetime of the development and limits surface water run off to existing rates. On greenfield sites this should be less than existing rates and on previously developed land run-off rates should be reduced by a minimum of 50% or to the greenfield run-off rate where possible, whichever is the lower.
    b. Manages surface water run-off at source and ensures the discharge of surface water run-off is as high up the following hierarchy of drainage options as reasonably practicable, with disposal to combined sewers a last resort once all other measures have been clearly explored and evidenced
        i. To the ground (infiltration or soakaway system)
        ii. To a surface waterbody
        iii. To a surface water sewer or drain
        iv. To a combined sewer
    c. Incorporates Sustainable Drainage Systems (SuDS) on major developments in accordance with North Yorkshire County Council Sustainable Drainage Systems Design Guidance unless there is clear evidence this would be inappropriate. SuDS should take account of the advice from the Lead Local Flood Authority, minimise surface water flood risk, protect waterways, provide aesthetic and ecological benefits (including net gain in biodiversity), have minimum operational standards, have maintenance and management arrangements in place for their lifetime and, where possible, be integrated in to the green infrastructure provision within and around the development site to contribute to wider sustainability objectives.
    d. Sets aside part of the development site for surface water management and uses measures that do not increase flood risk elsewhere.
    e. Retains existing watercourses on site and, where possible, restores and enhances them and lays development out in a manner which enables watercourses to be accessed for maintenance.
    f. Does not culvert or build over watercourses unless it is to facilitate essential access.
    g. Opens up existing culverts, wherever possible, and increase on-site flood storage.
3. Proposals will be supported for flood risk management schemes that aim to slow the flow of water upstream and, local flood protection schemes where they do not result in unacceptable harm to landscape character, do not have an adverse environmental, social or economic impact or increase flood risk in other locations.

Justification

As a consequence of the changing climate, flood events are becoming more frequent and extreme as witnessed in Richmondshire in 2019. It is therefore increasingly essential that the Council has policies in place to ensure that development is avoided in areas at high risk of flooding and development does not contribute towards increased flood risk elsewhere. Equally, it is important that in the exceptional circumstances where development is required to take place in areas at risk of flooding that it is flood resilient and resistant for its lifetime.

National policy sets out the approach to consideration of development in areas at risk of flooding and must begin with the application of a sequential, risk-based approach to the proposed location to avoid, where possible, flood risk to people and property and manage any residual risk. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding.

The Richmondshire Level 1 Strategic Flood Risk Assessment (2020) provides the basis for applying this test and informed the distribution of development and identification of site allocations and strategic growth areas within the Preferred Local Plan. It identifies the general areas and scale of flood risk in the Plan Area and the functional floodplain (flood zone 3b) with particular flood risks relating to the River Swale - downstream of Richmond, particularly around Catterick Village, to Skeeby Beck with problems for Gilling West and the properties in Croft on Tees at risk from the Tees and Clow Beck. The River Ure is considered unlikely to result in flood risks because the river runs through rural areas and wide natural floodplains.

If following the application of the sequential test it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test will be applied if appropriate.
To comply with preferred policy, flood risk assessments will be required for all new housing proposals of 1ha or more in Flood Risk Zone 1 and for all housing in Flood Risk Zones 2 or 3. In the Catterick Masterplan Area, all applications must include assessments to determine the most vulnerable areas to flooding and demonstrate an appropriate strategy to protect and mitigate against potential impacts.

Flood risk arising from surface water runoff from new development should be reduced by incorporating Sustainable Drainage Systems (SuDS) in the design of major development. SuDS solutions should be easy to manage, provide both attenuation and water treatment, require little or no energy input, and be aesthetically attractive and ecologically beneficial. SuDs schemes should be developed in accordance with the latest guidance provided by the Lead Local Flood Authority - currently North Yorkshire County Council.

What you have told us?

National Planning Policy Framework

The National Planning Policy Framework NPPF (2019) makes clear in paragraph 155 that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

The NPPF states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by

a) applying the sequential test and then, if necessary, the exception test

b) safeguarding land from development that is required, or likely to be required, for current or future flood management

c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques), and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations' (paragraph 157).

Paragraph 158 of the NPPF states that 'the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.

Paragraph 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'.

Paragraph 160 sets out that 'The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Paragraph 161 of the NPPF makes clear that 'both elements of the exception test should be satisfied for development to be allocated or permitted'.

Paragraph 163 states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location
b) the development is appropriately flood resistant and resilient
c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate
d) any residual risk can be safely managed, and
e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.

Footnote 50 states the circumstances when a site specific flood risk assessment will be required which are 'for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving sites of 1 hectare or more, land which has been identified by the Environment Agency as having critical drainage problems, land identified in a strategic flood risk assessment as being at increased flood risk in future, or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use'.

Paragraph 165 of the NPPF regarding drainage states that 'major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should

a) take account of advice from the lead local flood authority

b) have appropriate proposed minimum operational standards

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development, and

d) where possible, provide multifunctional benefits'.

Issues and Options Consultation

The Environment Agency provided general advice on the content that should be included within detailed flood risk and sustainable drainage policies which have been taken into account and incorporated within the preferred policy.

Alternatives Considered

No policy on Flood Risk

An alternative option would be to have no Local Plan policy on Flood Risk. This is not considered an appropriate option and that the preferred policy ensures development is avoided in high-risk areas and does not contribute to increased flooding elsewhere. Furthermore, the inclusion of this preferred policy ensures consistency with national policy. For these reasons, this option of no policy has been discounted.

A policy which sets out a more restrictive local approach to development in areas at risk of flooding

Another option would be to adopt a policy which sets out a more restrictive local approach to development in areas at risk of flooding. This is not considered an appropriate option, as this could overly restrict where development could take place. It is considered that the preferred policy sets out clear and detailed requirements for which proposals must meet (with reference to the latest SFRA and SUDs guidance) and balances impact on areas at risk of flooding with enabling development to be brought forward. For these reasons, this option has been discounted.

QUESTIONS

Do you agree to preferred policy CC2 - Flood Risk?

If not, do you agree with the general approach to policy CC2 but have any suggested changes?

Please provide any further comments.

Policy CC3 - Renewable and Low Carbon Energy Generation

This policy sets out the positive approach the Council will take towards proposals for renewable and low carbon energy generation along with its incorporation in to development. Renewable and Low Carbon Energy generation will assist in radically reducing greenhouse gas emissions and also achieving the Council's ambitions for net zero carbon emissions in the District.

The preferred policy reads

Policy CC3 - Renewable and Low Carbon Energy Generation

1. **The Local Planning Authority will support and encourage the generation of renewable and low carbon energy and the incorporation of small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, provided that**
    a. **it responds positively to demonstrable energy opportunities or are community-led and identified in a neighbourhood plan, and**
    b. **it satisfactorily addresses landscape and visual impacts on visual receptors or landscape character (particularly including cumulative impacts or impacts on the National Park/ Areas of Outstanding Natural Beauty arising from intervisibility), and**
    c. **it does not have, or can, adequately mitigate an unacceptable adverse impact on the natural environment, biodiversity, the historic or cultural environment, designated and safeguarded zones, adjoining land uses, residential amenity, radar, aircraft and telecommunications.**
2. **In addition to parts a, b and c proposals for wind turbine development must demonstrate that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.**

Justification

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, and have a positive strategy and policies to promote and maximise energy from renewable and low carbon sources.

The Low Carbon and Renewable Energy Capacity in Yorkshire and Humber Study (2011), provides a technical appraisal of the potential resources available for use in renewable and low carbon energy generation. It highlighted that the main opportunity in Richmondshire for renewable electricity is from commercial scale wind energy (although severely constrained in and outside of the National Park) and for renewable heat is from biomass. Smaller scale technologies, such as hydro, solar photovoltaics, solar thermal and heat pumps may also be able to make a significant contribution if widespread delivery is achieved.

It is also important to recognise that, although Richmondshire has the technical capacity for generating electricity and heat from renewable or low carbon resources, opportunities and constraints vary across the District. The 'Richmondshire Local Renewable and Low Carbon Energy Capacity Study' (2012) builds on the regional study to develop an Energy Opportunities Map (EOM) for the District (outside of the National Park). It identifies areas where there are specific physical, social and environmental constraints that would restrict renewable and low carbon energy delivery, and also identifies areas where there might be specific spatial opportunities, such as delivery of infrastructure accompanying strategic growth. It does not however take account of radar and MoD safeguarded areas.

Although the deployment of renewable energy will not be precluded outside these areas, it is expected that the EOM represents the most promising areas for renewable and low carbon energy generation. The Preferred Local Plan will therefore seek to maximise the development of the opportunities identified for renewable electricity generation. This will contribute to the achievement of the UK's legal commitments to cut greenhouse gas emissions and meet increased energy demand from renewable sources.

The Sensitivity Framework developed within the Managing Landscape Change - Renewable and Low Carbon Energy Developments - A Sensitivity Framework of North Yorkshire and York (2012) will be used in combination with the Richmondshire Local Renewable and Low Carbon Energy Capacity Study (2012) and the Richmondshire Landscape Character Assessment and Sensitivity Study (2019) to guide assessment of all applications for renewable electricity and heat production installations. Commercial scale proposals for low carbon and renewable energy schemes that respond favourably to the opportunities and satisfactorily address the sensitivities identified in these documents and which meet the Spatial Principles and Core Policies, will be encouraged and supported. However long distant views of and intervisibility between adjacent nationally important landscapes in the Yorkshire Dales National Park to the west and North Yorkshire Moors National Park to the east, together with international nature conservation designations, means that all the Plan Area is judged to be at least medium landscape and visual sensitivity. It rises to high sensitivity in the upland areas bordering the Yorkshire Dales National Park. Therefore potential for larger scale technologies and multiple schemes is constrained.

What you have told us?

National Planning Policy Framework

The National Planning Policy Framework NPPF (2019) makes clear that 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure' (paragraph 148).

Paragraph 151 of the NPPF states that 'to help increase the use and supply of renewable and low carbon energy and heat, plans should

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers'.

Paragraph 152 of the NPPF states that 'Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning'.

The NPPF (paragraph 154) also sets out 'when determining planning applications for renewable and low carbon development, local planning authorities should

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and

b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'.

Footnote 49 clarifies that 'except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing'.

Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

Alternatives Considered

No policy on Renewable Energy

An alternative option would be to have no Local Plan policy on Renewable Energy. This is not considered an appropriate option and that the preferred policy clearly outlines the support for renewable and low carbon energy generation proposals along with its incorporation in to development as well as the criteria for which proposals should meet. The inclusion of this preferred policy ensures consistency with national policy. For these reasons, this option has been discounted.

A policy which sets out the criteria for where renewable and low carbon energy should be located

Another option would be to have a policy which sets out the criteria for where renewable and low carbon energy should be located. This option is similar to the preferred policy, however it does not specifically identify locations for where renewable and low carbon energy should be located. Both this option and the preferred option adopt a locally tailored criterion-based approach which seeks to deliver reductions in carbon emissions whilst also protecting the landscape character and historic environment. It is considered that identifying specific locations for renewable and low carbon energy is an important part of ensuring protection of the landscape character and historic environment. For these reasons, this option has been discounted.

QUESTIONS

Do you agree to preferred policy CC3 - Renewable and Low Carbon Energy Generation?

If not, do you agree with the general approach to policy CC3 but have any suggested changes?

Please provide any further comments here.